

REMARKS

Claims 1, 5-14, 16, and 18-40 are pending in this application. Claims 1, 14, 27, and 35 are independent. In light of the amendments and remarks included herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1, 5-6, 14, 18-19, 22, 27-30 and 32-38 under 35 U.S.C. §103(a) as being unpatentable over *Lapstun et al.* (USP 6,789,191) in view of *Dorenbos* (USP 5,751,813) and further in view of *Borgstrom* (USP 6,738,053); rejected claims 7-13, 20-21, 23-26, 31, 39 under 35 U.S.C. §103(a) as being unpatentable over *Lapstun et al.* in view of *Dorenbos* and *Borgstrom* and further in view of *Schneier*. Applicant respectfully traverses these rejections.

Examiner Interview

Applicant wishes to thank the Examiner for the Interview conducted on March 29, 2006. During the Interview, Applicant argued that although the key is received by the digital pen, the digital pen does not receive the address. As such, the previous rejection will be withdrawn and the Examiner will perform a further search.

Claim Rejections – 35 U.S.C. §103(a)-*Lapstun et al./Dorenbos/Borgstrom*

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Lapstun et al.* discloses all of the claim elements except decrypting the received message, receiving an address of the receiving device and the absolute position coding pattern being on a secure note. The Examiner relies on the teachings of *Dorenbos* to teach decrypting the message. The Examiner

further relies on the teachings of *Borgstrom* to teach receiving an address of the receiving device. Applicant respectfully disagrees with the Examiner's characterization of these references.

By this amendment, Applicant has amended claim 1 to recite, *inter alia*, sending said at least one absolute position recorded from the secure note to a database device, in which said at least one absolute position is associated with an address of the receiving device and an encryption key of the receiving device; and receiving, in the digital pen, said address and said encryption key of said receiving device, from the database device.

The disclosure of *Lapstun et al.* is directed to a system that incorporates netpage pens communicating with printers on a network. At col. 30, starting at line 34, *Lapstun et al.* discloses security using session keys regarding communication between the netpage printer and a server. *Lapstun et al.* further discloses at col. 32, starting at line 6, security using session keys regarding communication between a pen and a printer.

However, there is no teaching or suggestion in *Lapstun et al.* that is directed to at least one absolute position being associated with an encryption key of the receiving device.

The disclosure of *Borgstrom* is directed to predefined electronic pen applications in specially formatted paper. The specially formatted paper has preprinted areas associated with particular functions and/or applications executable on the electronic device. However, there is no teaching or suggestion in *Borgstrom* that is directed to at least one absolute position being associated with an encryption key of the receiving device.

It is respectfully submitted that *Dorenbos* fails to cure the deficiencies of the teachings of both *Lapstun et al.* and *Borgstrom*. As none of the cited references, either alone or in combination, assuming these references are combinable, which Applicant does not admit, teach or suggest the at least one absolute position being associated with an encryption key of the receiving device, it is respectfully submitted that claim 1, as amended, is allowable over the references as cited. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 5-8, 10, and 40 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further

respectfully submitted that claims 14, 27, and 35 include elements similar to those discussed above with regard to claim 1 and thus these claims, together with the claims dependent thereon, are not obvious for the reasons set forth above with regard to claim 1.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 6, 2006

Respectfully submitted,

By _____

Michael K. Mutter

Registration No.: 29,680

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorneys for Applicant